

Raphael G. Warnock, Ben Ray Lujan, Gary C. Peters, Elizabeth Warren, Christopher Murphy, Tammy Duckworth, Patrick J. Leahy, Sheldon Whitehouse, Michael F. Bennet, Tim Kaine, Tammy Baldwin, Cory A. Booker, Sherrod Brown.

The VICE PRESIDENT. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed on S. 2747, a bill to expand Americans' access to the ballot box and reduce the influence of big money in politics, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 49, nays 51, as follows:

[Rollcall Vote No. 420 Ex.]

#### YEAS—49

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Lujan	Stabenow
Casey	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Hassan	Padilla	
Heinrich	Peters	

#### NAYS—51

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Schumer
Cassidy	Johnson	Scott (FL)
Collins	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young

Mr. SCHUMER. I change my vote to no.

The VICE PRESIDENT. On this vote, the yeas are 49, the nays are 51.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The motion was rejected.

#### MOTION TO RECONSIDER

Mr. SCHUMER. Madam President, I enter a motion to reconsider the failed cloture vote.

The VICE PRESIDENT. The motion is entered.

Mr. SCHUMER. Now, Madam President, I want to be clear about what just happened on the floor of the Senate. Every single Republican Senator just blocked this Chamber from having a debate—simply a debate—on protecting Americans' right to vote in free and fair elections.

A little over a year ago, our country held the safest, most accessible, most

on-the-level elections in modern history. Our former President could not accept defeat with grace. He refused to show fidelity to the democratic process.

Instead, he told a Big Lie—a Big Lie that has now poisoned—poisoned—the roots of our democracy. Capitalizing on this malicious lie, his acolytes in conservative-controlled legislatures are now passing laws across the country making it harder for younger, poorer, urban, and non-White Americans to participate in our elections.

These laws are a direct attack on our fundamental liberties as American citizens. If there is anything—anything—worthy of the Senate's attention, it is unquestionably this.

And yet, given the chance to respond to an obvious problem, given the chance to merely debate these latest threats against the franchise, Senate Republicans voted unanimously—unanimously—to block any opportunity for action.

Let there be no mistake, Senate Republicans blocking debate today is an implicit endorsement of the horrid new voter suppression and election subversion laws pushed in conservative States across the country. By preventing the Senate from functioning as it was intended, Republicans in this body are permitting States to criminalize giving food and water to voters at the polls. Republicans are saying it's OK to limit polling places and voting hours and shut the doors to more expansive vote by mail.

I mean, my God. Why aren't all of my colleagues outraged by these laws?

Frankly, we haven't heard a clear explanation from Republicans at all because they refused for this Chamber to even hold a debate. It is ludicrous—ludicrous—for them to simply state that the Federal Government has no role to play here. They should read the Constitution of these United States of America. It precisely empowers Congress to regulate the “times, places, and manners” of holding elections. The Congress—us. Sometimes the Federal Government has been the only recourse when States conspire to shut voters out.

Madam President, the fight to protect our democracy is far from over in the United States Senate. Senate Democrats have made clear that voting rights is not like other issues we deal with in this Chamber. This isn't about regular old politics. It is not just about even regular old policy. It is about protecting the very soul of this Nation, about preserving our identity as a free people who are masters of our own destiny.

Republican obstruction is not a cause for throwing in the towel. As soon as next week, I am prepared to bring the John Lewis Voting Rights Advancement Act here to the floor.

What we saw from Republicans today is not how the Senate is supposed to work. This is supposedly the world's greatest deliberative body, where we

debate, forge compromise, amend, and pass legislation to help the American people. That is the legacy of this great Chamber. The Senate needs to be restored to its rightful status as the world's greatest deliberative body.

Now, in the aftermath of the Civil War, and as the Nation began the colossal work of Reconstruction, America was more divided than at any point in history. It was hard to imagine that a single nation could endure after the bloody conflict of the four previous years.

At the time, the Republican Congress set to work on granting newly freed slaves the basic freedoms that had long been denied to them. These freedoms were eventually enshrined in the 14th and 15th Amendments, granting due process and the right to vote to all citizens, regardless of color or race.

Today, these amendments rank as some of the greatest and most revered accomplishments in congressional history. They are proof that our country is capable of living up to its founding promise, if we are willing to put in the work.

But at the time, the minority party in both Chambers refused to offer a single vote for any of the civil rights legislation put forward during Reconstruction. Not one vote. Not one vote. They argued these bills represented nothing more than the partisan interests of the majority—a power grab, they said, from vengeful northerners.

But that didn't stop the majority. If expanding basic freedoms meant going it alone, that was something they were willing to do. Today, we feel the same way.

To the patriots after the Civil War, this wasn't partisan; it was patriotic. And American democracy is better off today because the patriots in this Chamber at that time were undeterred by minority obstruction. Again, today, we feel the same way.

Today, the question before the Senate is how we will find a path forward on protecting our freedoms in the 21st century.

Members of this body now face a choice. They can follow in the footsteps of our patriotic predecessors in this Chamber, or they can sit by as the fabric of our democracy unravels before our very eyes.

#### EXECUTIVE CALENDAR

Mr. SCHUMER. I ask unanimous consent that the Senate resume consideration of the Lin nomination.

The VICE PRESIDENT. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant bill clerk read the nomination of Tana Lin, of Washington, to be United States District Judge for the Western District of Washington.

The PRESIDING OFFICER (Ms. BALDWIN). The junior Senator from Oklahoma.

Mr. LANKFORD. Madam President, I do have to make a quick comment before I jump into a unanimous consent request.

I did appreciate hearing the majority leader talk about how the minority and the majority stood up around Reconstruction. And I found it interesting that he continued to talk about the majority and the minority standing up for the rights of slaves and the rights of individuals, conveniently leaving out it was the Republicans at that time that were the majority that were actually standing up for the rights of all individuals of all races to be able to vote and to be able to be engaged, and it was the Democrats at that time that were working very hard to be able to block the rights of individuals to be able to vote.

So I did have to find it personally humorous when he seems to not be very shy about saying Republican and Democrat on this floor, at that moment he used majority and minority. But I digress. On to other issues.

UNANIMOUS CONSENT REQUEST—S. 2879

Madam President, the reason I came to the floor today is because, on September 9, the President of the United States took to the microphone and told the American people his patience was wearing thin—was the comment he made to the American people: My patience is wearing thin; therefore, I am going to start mandating that individuals across the country have to receive a vaccine.

To which he then put out an Executive order across to Federal workers, in particular, and told Federal workers they would have to have a vaccine by the end of this year, to be fully vaccinated, complete.

The deadlines he put in place for the Moderna vaccine, they would have had to have had the first shot by last week; by the Pfizer vaccine, they would have already have had to have the shot by this week; and then the J&J vaccine, they would have to have it by a couple weeks to be fully complete.

And he laid down this statement to say everybody needs to get vaccinated, and then walked away.

Office of Personnel Management and Office of Management and Budget didn't try to start engaging to start catching up on this because there was no rule that was in place. It was an Executive action.

I quickly started getting phone calls from individuals in my State who were exceptionally concerned about that. There are Federal workers who have worked for the Federal Government for decades, who had questions about religious accommodation or for medical exceptions, or, quite frankly, they had already had COVID and recovered from it and they were concerned about the vaccine coming in that they would have some kind of relapse at some point.

It is exceptionally rare, but if it is them and they walk back through it, it is their prerogative.

So I started asking questions immediately. I went to the CDC to ask if they had studied the 44 million Americans who have already had COVID and recovered, would their recommendation be those individuals don't have to have the vaccine if they can show they already have the antibodies in the their system.

And the answer I got back from CDC is: We have not studied it yet.

A year and a half in, and we have not studied it yet.

I went to the Office of Management and Budget to be able to visit with them. I heard one set of issues from them. Twenty-four hours later, I met with the Office of Personnel Management, and I heard a different set of issues that came from them. They were literally in conflict with each other 24 hours apart. They put out guidance. They put out a second set of guidance. Each set of guidance they put out becomes more chaotic in the process.

People who have worked remotely throughout this entire time of COVID and still continue to work remotely are a little confused as to why they are now being suddenly mandated to have a vaccine.

Individuals who have already had COVID, as I mentioned before, and have recovered are a little confused why they are being mandated to do this.

Individuals with medical accommodations who have asked for those, who literally are showing up with paperwork from their physician saying "This person is currently under cancer treatment, and they do not need to have the vaccine at this point during their moment of treatment," are being told by some people "No, that doesn't count. The CDC has said it is OK. Your doctor's note doesn't count," and by others, they are being told "No, that does count; you can delay it."

There is one set of rules from one Agency and one set of rules from another. In fact, even within the same Agency, from department to department, there is a different set of rules. Some Agencies have said that the volunteer advisory boards are also included. Other Agencies are saying: No, volunteer advisory boards are not included in this mandate.

Some are receiving word in State agencies in my State that because your agency takes Federal funds, everyone in your State agency also has to be vaccinated or we will cut off the Federal funds to your State. Some agencies are not calling with that same request.

The contractors who work with the Federal Government were told they were also included in this Executive order mandate and that everyone in their company needs to also be vaccinated, except the contractors are asking very simple questions: Is it everyone in our company or is it everyone who actually works on the contract for the Federal Government? They can't get a straight answer on that.

As simple as it is, even for those contractors who have asked—they have said: No, wait a minute, we have a contract already. Are you as the President trying to write in an additional stipulation into our contract that we didn't agree to based on an Executive action? You don't have legal authority to be able to do that. Is this about the current contract or is this about future contracting?

They have not been able to get an answer on that.

Quite frankly, we as a body—I am still fighting to make sure contractors don't have human trafficking in their contracting and get suspension for this, but apparently, with this Executive order, companies can still have human trafficking and not be suspended, but if they are not 100 percent vaccinated, they will be.

This is a bizarre world we are living in currently right now. This mandate came out for Federal workers, Federal contractors, maybe volunteer advisory boards, maybe State agencies, 6 weeks ago, and everyone is still asking questions—what in the world? In the meantime, real families in real-life situations are dealing with the consequences of the debris field behind this.

One of the Social Security agencies in my State, the folks who take care of those folks at the Social Security office—get their cards to them, get questions from them about Social Security—there are eight employees in that little agency, that little spot. Four of the folks are talking about leaving because they are concerned about the vaccine mandate, and they are not getting their questions answered. If that happens, the folks in that part of my State will not be able to get access to Social Security cards and will not be able to get their answers.

So what is happening? People are struggling with a long-term career, deciding whether they are going to leave, literally if they are going to follow their doctor's orders or if they are going to follow somebody from the CDC they have never met before and their orders that are coming down.

Federal contractors are trying to figure out how they can complete a contract because the President of the United States inserted a new element into their contract.

Oh, by the way, many Federal union workers are contacting my office, saying: What in the world? This was not part of our collective bargaining agreement. Literally, the President is adding a new element to our collective bargaining agreement after the fact and saying: I know you are a union member, but your local unions are not going to represent you.

And they haven't. They are going to their stewards and they are going to others and saying "Hey, I need somebody to represent me here in this," and they are telling them, "No. The President just inserted something into our collective bargaining agreement, and

you can do nothing about it.” Federal union employees are ticked because they thought their union represented them, not the President of the United States.

Now, to be clear, I took the vaccine as soon as it was eligible for me. My wife did the same. My daughters did the same. I am incredibly grateful for the vaccine. I encourage people all over my State, and have from the beginning, to take the vaccine. It has gone through a rigorous, scientific process. But people in my State, like the 49 other States in this great country, all know this fact to be true: There are side effects for some people in the vaccine. It is a small group, but no one knows if they are in that group until they take the vaccine. There are also dramatic effects for people who get COVID. Some people are asymptomatic—literally get it, recover, never even knew they had it—and some people die from it in a horrible death in a hospital. You never know until you get it.

That is why each individual American has to be able to evaluate their risk of whether they are going to risk it to get COVID or risk it to get the vaccine. I think the risk is much lower in getting the vaccine. Science has proved that number to be accurate. But, you know what, I don't get to decide for them. They have to decide for them. I can bring information to them and let them make the decision. But, instead, the President of the United States has stood up and said: My patience is wearing thin. You have to do what I say regardless if you are under cancer treatments and regardless if you are under any other process.

I even asked the Office of Personnel Management: What are you going to do for religious accommodations?

The answer came back: We cannot decide someone's sincerity.

The next day, I talked to the Office of Personnel Management, which is actually putting the details together, and they gave me a seven-point decision-making process to help people decide if someone's religious beliefs are sincere or not.

This is a mess, and there are lots of people who are caught up in this who just want their government to help them, not fire them for making a decision that affects their personal life and their family. That is why I have been after this for 6 weeks since the famous “I am losing patience” speech. For 6 weeks, I have talked about this. For 6 weeks, I have made phone calls to every entity I could make phone calls, written letters, brought legislation. For 6 weeks, I have brought these issues up and said this is a real problem that is out there. For 6 weeks, I am not being heard on this.

There are Americans in my great State who are now having to decide if they are going to leave a career they love serving their neighbors or if they are going to be compelled to take a vaccine risk just because the President has said: My patience is wearing thin.

Just to reinforce a simple statement about people making decisions on risks—it is interesting to me. On the first of October, another Executive order came out that said: If individuals take the vaccine and they are a Federal worker, because of this new mandate, if they do have severe side effects from it, we will cover them medically.

That was a little reminder to some people who were hesitating of why they hesitated.

Listen, why don't we go back to doing what we do as Americans: Respect each other, encourage people to do the right thing, and incentivize. But this chaotic mandate where you don't know if you are a Federal contractor; you don't know the rules if you are a Federal employee; you don't know the rules if you are on the advisory board; you don't know the rules even if you are in a State agency—by the way, the deadlines for Moderna and Pfizer have already passed, and you still don't know the rules. They are nearing a moment of being fired and no one even has the details yet? Please.

Why don't you listen to the people in your own State asking very straightforward questions? This is not about whether you should take the vaccine. This is, are you going to fire a 25-year Federal employee because they disagree with you? That is what this is all about.

Madam President, as if in legislative session, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of my bill that sets aside this Executive order from the President, S. 2879, and that the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time, passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The junior Senator from Michigan.

Mr. PETERS. Madam President, I reserve the right to object. My friend from Oklahoma serves as the ranking member of the Government Operations Subcommittee of the Homeland Security and Governmental Affairs Committee. I sincerely appreciate that he brings a thoughtful approach to Federal workforce issues and that we frequently have an opportunity to work together to make government work more efficiently and more effectively.

Unfortunately, I strongly disagree with the legislation being put forward today. This proposal would roll back policies put in place to make sure that Federal workers and Federal contractors who are paid with taxpayer dollars are vaccinated against COVID-19. These Executive orders protect not just the Federal workforce all across our country, but they help protect their families and their communities. There are also commonsense exceptions for people with disabilities, with medical conditions, or with sincerely held reli-

gious beliefs. These policies were put in place both carefully and fairly.

The American people are literally sick and tired of this pandemic—a pandemic that has already claimed over 725,000 lives, including the lives of our friends, our neighbors, and our family members. They want this pandemic to end, and vaccines is how we get there.

From the beginning of this pandemic, I and many of my colleagues have been dedicated to bringing safe and effective vaccines to the people who live in our States by investing in science and research and by strengthening our domestic supply chains.

COVID-19 vaccines are now widely available, but we know from trusted scientists and public health experts that we need higher rates of vaccination to get this pandemic under control. The politicization of safe, effective, public health measures is making it harder to end this horrible pandemic. The legislation before us today would without question move us in the wrong direction. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LANKFORD. Madam President, I understand the statement by my friend from Michigan. I have to tell you, though, I wish this was rolled out in an orderly fashion. It has been 6 weeks of chaos and unanswered questions, and the Federal Government is about to fire thousands of Federal employees because they did not bend to their will.

Many Federal employees asked for a medical exemption and were told no. Literally, they brought a letter from their doctor and were told no. Individuals asked for religious accommodation and were told no, they will not get it. It is one thing to say it is offered; it is another thing to say it was actually extended.

I will tell you, from talking to people in my State in the Federal workforce, they are not getting those orderly religious accommodations, those orderly medical exemptions. They are not getting it. They are being told “No, it is a mandate,” and then they are being told “You are about to lose your career. Is it worth it?” These are individuals literally choosing between their health and their job.

By this January, I don't know how many thousands of Federal employees we are going to have out of our system and how much wisdom we are going to lose out of all these Agencies. But this horrible game of chicken that the President is right now playing with not only Federal employees but with people all over the country is a terrible thing to do to our economy and to individuals who are seeking the best service.

It is amazing to me how many individuals served through the entire pandemic faithfully and took great risk to serve their neighbors who literally the President is about to fire as their thank you. That is wrong. That is wrong.

I stood last week and talked to individuals who work for American Airlines, who are really concerned and frustrated, who love working with American Airlines but are now receiving a mandate coming down on them that they are digging in and saying: I am not going to do it. I have already had COVID. I have recovered. I have natural immunity. Why am I being asked to do this as well?

And they are getting only that the President is mandating it, and: We do Federal work, and so it is going to be required.

It is the same thing happening to packing companies, to manufacturers, to small businesses around the country.

Let me just read you a story. One employee who called our office last week is currently in cancer treatment for the fourth time and is receiving an experimental treatment. She is being told that she will be terminated from her job November 24 if she doesn't get vaccinated, because the President is requiring it on everyone.

That does not sound like an accommodation that is occurring because of medical accommodations.

It is nice to say in DC: Talk to the people in your State what is actually happening on the ground.

All of this push that is happening around healthcare workers all around the country, what does that really look like?

When we talked to an administrator of one of our nursing homes. Most of the individuals in our nursing homes, thankfully, as residents and as staff, have been vaccinated; but some have had COVID, and they are concerned about getting the vaccine. Whether that is rational or not, that is where they are, but they have natural immunity.

This particular nursing home that we talked to, 20 percent of her employees have said that they will not take the vaccine. This particular nursing home in a rural area will close and expose all of those residents and their families to chaos because Biden said: I am losing patience.

It is one thing to say we need to be able to push back on this pandemic. I absolutely agree. It is another thing to irrationally close down nursing homes that are taking care of patients that, by the way, were filled with people—frontline workers—who put their life at risk last year to serve people.

And now to push those people out and fire them this year?

"You are welcome," apparently, is what the President should be saying to them.

All I am asking for is reason. All I am asking for is to consider those 44 million Americans who have natural immunity and to accept what we all know scientifically to be true. All I am asking for is real medical exemptions. That is not irrational. All I am asking for is real religious accommodations.

Those are things that should be straightforward, common sense, and

doable. But for whatever reason, the train is barreling down the tracks. In the debris field is our Federal workers, individuals who work in private companies, healthcare workers across the board.

I, just this weekend, received an email that was a long email from a very shy physician in one of our major hospitals in Tulsa. She told me flat out: I don't seek personal attention. I don't do media stuff.

In fact, she said: I don't even have social media at all.

But she detailed out her healthcare decisions and what was going on in her own life and said: I do not want to receive this vaccine.

As a physician at a major hospital in Tulsa, she is about to lose her job because President Biden's patience is running thin.

What do her patients do next?

Mr. President, don't play chicken with our families. This is real to them. They do not need to lose their job because they have medical conditions, religious accommodations, or they have natural immunity. They have suffered through COVID once, and now you are going to fire them for that?

Let's have a real dialogue, not a rushed "My patience is wearing thin." With that, I yield the floor.

THE PRESIDING OFFICER. The junior Senator from Louisiana.

REMEMBERING MICHAEL B. ENZI

Mr. KENNEDY. Madam President, I wanted to say a couple of words about a couple of friends.

I really miss Mike Enzi. I am referring, of course, to Senator Mike Enzi, our colleague who served the people of Wyoming and the people of America for 24 years in this body. We lost him a couple of months ago. I tried to get out to his beautiful State to say good-bye, and I couldn't. I couldn't rearrange things. I just—I miss him.

I was thinking about Mike this morning. I had a meeting over here early—not too early, about 8 o'clock. I walked from my little, overpriced Capitol Hill apartment, through the park, to the Capitol. The park I am talking about is just east of the Capitol. Mike would always walk through the park when he would come to vote. Not always, but many times he would leave his office and get his exercise and enjoy God's beautiful day by walking through the park. I walked with him a couple of times.

Mike was so many things, but if I had to describe him in three words, it would be "decent," "smart," and "one of the best fishermen I have ever known."

I want to talk about the decent part and what Mike Enzi meant to me. I mean, I can talk about his background and the fact that he was a giant among Senators and how everybody respected him, but everybody knows that.

When I first got here—I think all new Senators feel this way. The Members of this body are very, very smart, and they are very, very driven. And at least

for me, when I first got here, it was a very intimidating place. I think that is true for most Senators. I think if you ask all 100 Senators what it was like their first month here, 99 of them would tell you that they were intimidated. The 100th would be lying because this is an intimidating place.

But, you know, Mike went out of his way, I remember—I guess he could tell I was insecure—to reassure me. You know, every few weeks I would see him in the cloakroom or I would see him in committee, and he would say: Kennedy, you know, you are making a real contribution to this group.

Well, of course, I wasn't, but it made me feel so good and so more sure of myself. And it also made me realize, when I reflect back on it, what a decent thing it was for Mike to do. I mean, he had been here 24 years. He had his pick of chairmanship. I mean, he really was a giant in this body. I was green as a gourd, brandnew; and he didn't have to do that, but he did. I never told him how much that meant to me, and I really regret not telling him that now.

I feel so bad for Diana—just the most wonderful person in the world. I don't know Mike's children—Amy, Emily, and Brad—but I have a feeling, knowing that they are the children of Mike Enzi and Diana, that they are three wonderful Americans.

I just wanted to say that. I was thinking about Mike today. I miss him.

TRIBUTE TO ROBERT TRAVIS SCOTT

Madam President, No. 2, we have an organization in Louisiana called the Public Affairs Research Council. It is one of our premiere think tanks. It is an independent group. They are not political. They do serious research, and they offer very serious suggestions about how we, in Louisiana, can solve some of our social and economic problems. We call it PAR, Public Affairs Research Council.

I don't know how long PAR has been around. As long as I have been in government, which is the late 1980s, it was there way before I came. I didn't have time to look up when it was founded, but I think it is pretty much 2 years older than dirt. It has been there. It is an institution in Louisiana.

It is privately funded. People who care about our State contribute money to do PAR's work. I religiously read all of PAR's white papers and research papers. Everybody I know who cares about my State takes their suggestions seriously.

To be the director or the president of PAR, it is quite an honor. It is a lot of work and it is a big deal. Our president of PAR is retiring. He is a friend of mine. His name is Robert Travis Scott, and I want to say a word about Robert.

Robert is a graduate of the University of South Carolina with high honors, a graduate of Johns Hopkins. He has done it all. Robert has been the president of PAR since 2011. But before that, he was the capital bureau chief for our Times-Picayune newspaper in